

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

RICKEY SABEDRA,
TDCJ-CID NO. 395270,

Petitioner,

v.

CIVIL ACTION NO. H-08-1747

NATHANIEL QUARTERMAN,

Respondent.

MEMORANDUM OPINION AND ORDER

Petitioner, Rickey Sabedra, a TDCJ-CID inmate also known as Ricardo Sabedra and Ricardo Sabedra, filed a section 2254 petition for habeas relief. Sabedra's petition is unclear although it appears to assert challenges to the validity of one or more state convictions, a TDCJ-CID disciplinary conviction, denial of parole, and a denial of social security benefits. Apart from being nonsensical, this petition is subject to dismissal because it was filed in violation of numerous orders prohibiting Sabedra from filing civil pleadings, including habeas petitions.

Sabedra has a long history of filing vexatious prisoner complaints, petitions, and appeals in the federal courts. See Sabedra v. Quarterman, No. H-07-3422 (S.D. Tex. Oct. 31, 2007) (noting 50 lawsuits, including transfers). At least 11 of his actions and appeals have been dismissed as frivolous. Id. As many

as 30 of the filings were habeas petitions. Sabedra v. Quarterman, No. H-07-2958 (S.D. Tex. Sept. 25, 2007). Sabedra has been sanctioned in both the Southern and Northern Districts of Texas as well as the United States Court of Appeals for the Fifth Circuit. Id.; Sabedra v. Meadows, No. 3:05cv1304 (N.D. Tex. May 31, 2006); Sabedra v. Johnson, No. 01-40138 (5th Cir. Apr. 12, 2001) (barred from filing complaints pursuant to 28 U.S.C. § 1915(g)). The Clerk for the Southern District of Texas has been ordered "to accept no further civil actions from Sabedra, including habeas corpus petitions, unless Sabedra presents express written permission from a judicial officer from this district and proof that the sanctions against him have been satisfied." No. H-07-3422. There is no indication that such permission has been granted. Despite the numerous orders prohibiting the filing of pleadings, Sabedra has filed at least six prisoner actions in the Southern District of Texas since October 31, 2007, the date the Clerk was ordered not to accept any more such pleadings. Effective measures must be taken to prevent the filing of meaningless pleadings that serve no purpose other than to waste the courts' resources. See Gabel v. Lynaugh, 835 F.2d 124, 125 (5th Cir. 1988) ("We do not sit as means by which the system can be punished -- or to be punished ourselves -- by the pursuit of frivolous or malicious appeals by disgruntled state prisoners."). See also Neitzke v. Williams, 109 S.Ct. 1827, 1832 (1989) (noting the large number of frivolous complaints from

prisoners hoping to enjoy a "short sabbatical in the nearest federal courthouse.'"), quoting Cruz v. Beto, 92 S.Ct. 1079, 1084 (1972). Therefore, this action will be dismissed, an additional sanction will be imposed, and the Clerk will again be instructed not to accept any future filings from Sabedra.

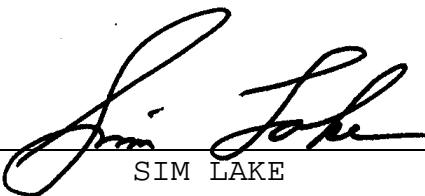
Conclusion

Accordingly, the court **ORDERS** as follows:

1. This cause of action, filed by Rickey Sabedra, TDCJ-CID No. 395270, is **DISMISSED with prejudice** because it was filed in violation of court orders.
2. Sabedra's Application to Proceed In Forma Pauperis (Docket Entry No. 2) is **DENIED**.
3. Due to his continued abuse of judicial resources, Rickey Sabedra, TDCJ-CID No. 395270, is **SANCTIONED** in the amount of Three Hundred Dollars (\$300.00). To ensure compliance with this order, the Inmate Trust Fund Account Office of TDCJ-CID is directed to place a hold on Sabedra's account, to withdraw funds from Sabedra's account until the sanction amount has been collected, and to forward the amount to this court.
4. Sabedra is **BARRED** from filing any civil action, including any habeas petition or other pleading, in this district.
5. **THE CLERK IS ORDERED NOT TO ACCEPT FOR FILING ANY PLEADINGS OR OPEN ANY NEW CIVIL ACTIONS BY RICKY SABEDRA UNLESS SABEDRA PRESENTS A SIGNED ORDER FROM A UNITED STATES DISTRICT JUDGE FROM THE SOUTHERN DISTRICT OF TEXAS EXPRESSLY AUTHORIZING THE FILING OF THE PLEADING OR CIVIL ACTION.**
6. The Clerk will provide copies of this Memorandum Opinion and Order to the parties; to the TDCJ - Office of the General Counsel, P.O. Box 13084,

Capitol Station, Austin, Texas 78711, Fax No. 512-936-2159; the Inmate Trust Fund, P.O. Box 629, Huntsville, Texas 77342-0629, Fax No. 936-437-4793; and to the Clerk of the United States District Court for the Eastern District of Texas, Tyler Division, 211 West Ferguson, Tyler, Texas 75702.
THE CLERK SHALL POST A COPY OF THIS MEMORANDUM OPINION AND ORDER IN THE INTAKE SECTION OF THE CLERK'S OFFICE AND SHALL PROVIDE A COPY TO EACH DEPUTY IN THE INTAKE SECTION.

SIGNED at Houston, Texas, on this the 24th day of July, 2008.



SIM LAKE
UNITED STATES DISTRICT JUDGE